

**REGULAR MEETING
FEBRUARY 7, 2002**

The Ashland Board of Commissioners met in Regular Session in the Commission Chambers, City Building, Ashland, Kentucky, on Thursday, February 7, 2002, at the hour of 7:00 PM. Those present were Commissioners: Larry Brown, Kevin Gunderson, W. Russell Powell, Polly Rideout and Mayor Paul Reeves, who presided. Also present were: William H. Fisher, Jr., City Manager; Richard W. Martin, Corporation Counsel; Deborah Musser, City Clerk; Mark Osborne, Fire Chief; Tom Kelley, Chief of Police; Tony Grubb, Finance Director; Steve Corbitt, Director of Public Services; Jim Shaw, Director of Planning and Community Development; Greg Rice, Safety/Risk/Insurance Manager; Gail Melvin, Economic Development Director; Marion Russell, Assistant Director of Public Services; Michelle Veach, Assistant Finance Director; Tony Baer, Deputy Fire Chief; Mike Rogers, Mass Transit Superintendent; Bruce Craft, Recreation Division, and Reporters.

The invocation was given by Mayor Reeves.

The Pledge of Allegiance was conducted.

AGENDA

City Manager Fisher presented the amended agenda of February 7, 2002. Motion was made by Brown, seconded by Powell, to receive and file the agenda. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

PRESENTATION OF RESOLUTION HONORING FORMER MAYOR W. RICHARD MARTIN

Mayor Reeves read Resolution No. 43, 2001, and presented framed copies to Mr. Martin's wife, sons and grandchildren.

HEARINGS AND REPORTS

City Manager's Report – City Manager Fisher reported:

The last easement has been received for completion of the sewer project;

That he, the Corporation Counsel and the City Clerk/Human Resources Director met with Paul Combs, Personnel Consultant. A work plan will be developed and submitted for the Board's consideration;

The grant for \$960,000 TEA-21 funds has been submitted;

The next public meeting scheduled by Economic Development Director Melvin is scheduled for 6:00 PM on Tuesday, February 12 at the Central Fire Station. The topic will be housing in downtown Ashland;

The public hearing regarding the renewal of the permit for the coal dock facility in the east end is scheduled for 10:30 AM on Wednesday, February 13 at the Central Fire Station;

The Riverfront Park Committee will hold its initial meeting on Thursday, February 14, 2002 at 5:00 PM in the Commission Chambers;

The new water tank will be put in service on Monday, February 11. There will be advertisements regarding changes that could occur with the new facility;

The committee on the city-wide yard sale had its initial meeting and April 20 is the recommended date. The sale will be further discussed at the February work session;

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HEARINGS AND REPORTS CONTINUED

The City received \$10,000 from the state as reimbursement for the relocation of storm, sewer & water lines in the 29th Street project;

Planning & Community Development Director Shaw has provided the Planning Commission information regarding a consultant for the Comprehensive Plan for discussion at the February meeting;

Economic Development Director Melvin reported on activities and contacts made since her last update.

Mayor & City Commissioners' Comments – Statement by Mayor Reeves:

Report on the 2002 Performance Evaluation of the City Manager
By the Ashland City Commission
City of Ashland, Kentucky
February 7, 2002

The Ashland City Commission has completed its review of the performance of Ashland City Manager Bill Fisher.

The evaluation and the process involved in accomplishing it were thoughtful, thorough, and fair. The process involved reflection by individual members of the commission; conversations involving individual commissioners; and hours of group discussion that took place during executive sessions.

It is our commitment to make evaluation of the city manager a regular, on-going process during our administration. This will involve frequent, informal conversations; quarterly meetings that are more formal in nature; and an annual performance review similar to the one we have just completed. Regular performance reviews are essential to ensure good government and to provide government employees the feedback they need for professional development.

Furthermore, it is our intent to adopt an ordinance that will make this procedure mandatory to ensure that the current city manager and his successors will be reviewed by future commissions.

We wish to note Commissioner Brown's efforts in this effort. His leadership and skills played a key role in ensuring the quality of the review process and its timely completion.

Our review of Mr. Fisher's performance covered a wide range of areas. Specifically, we rated his performance in 20 areas:

- ◆ Work skills.
- ◆ Fiscal responsibility.
- ◆ Judgment.
- ◆ Oral and written communication.
- ◆ Flexibility.
- ◆ Dependability.
- ◆ Standards.
- ◆ Performance under stress.
- ◆ Leadership.
- ◆ Cooperation.
- ◆ Public relations.
- ◆ Integrity.
- ◆ Innovation.
- ◆ Vision.
- ◆ Individual characteristics/
- ◆ Work output.
- ◆ Work habits.
- ◆ Internal and external work relationships.
- ◆ Job skills and knowledge.
- ◆ Management of resources.

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HEARINGS AND REPORTS CONTINUED

Overall, we agreed that this performance was in the satisfactory range, although with the need for improvement in several categories.

His performance in all categories was discussed with him at length during an executive session on January 31. He did not take issue either with our conclusions or with the suggestions we made for improvements. The conversation was frank and forthright. We were explicit and specific in setting forth our performance expectations in a range of areas, including those that have been the focus of public attention in recent weeks.

Additionally, we provided the city manager a list of goals we expect him to accomplish during the remaining eleven months of the year. These goals are:

- ◆ To improve the quality of the city's relationships with other local governments and the business community by making at least two personal outreach visits per week.
- ◆ To improve the quality of the city leadership's relationships with city employees at all levels by making at least two personal outreach visits per week to work sites.
- ◆ To develop his personal skills by attending a time-management seminar or workshop.
- ◆ To lead each city department, including his own, in developing a business plan and its own vision and mission statements that align with the vision and mission statements adopted in 2001 by this commission.
- ◆ To develop a public relations plan that will allow the city to tell its story effectively; provide a high-quality resident newsletter; provide an excellent site on the Internet; and allow city residents to participate fully in the process of government.
- ◆ To develop a career-path training program in which all city employees may participate.
- ◆ To develop, in cooperation with the Boyd County Fiscal Court, a job description for the agreed-upon position of grant writer and to see that the position is filled.
- ◆ To provide the leadership required to ensure that the city undertakes the agreed-upon review and revision of its hiring procedures.
- ◆ To provide the leadership and administrative support required for the work of the recently established Riverfront Park Committee.
- ◆ To provide the leadership and administrative support required to ensure broad public participation in the city's streetscape improvement project.

This is an ambitious agenda for the city manager, but one that we feel he has the skills and knowledge to accomplish. We have promised our support in these endeavors, and he has committed his energies to them. His success will help make sure that our community remains a good place for all of us to live, work, raise a family, and enjoy life.

The city manager will report regularly to the members of this commission – and to the people of Ashland – on the progress made.

We realize that some people will be satisfied with the decisions we have reported in this statement, while others will not be satisfied. Throughout this process, our goal was not to satisfy one group or another. Rather, it was to complete a commitment we made some months ago – to undertake a review of the city manager's performance. We believe that a disinterested review of our process and its outcome would, as we stated earlier, find it thoughtful, thorough, and fair.

Commissioner Rideout stated she was present during the discussion but did not agree with the outcome. She contacted Commissioner Brown the next day and asked for her signature to be removed.

Commissioner Powell stated his disappointment with discussions about the closed session. Commissioner Gunderson stated too much time had been spent on the process and expressed desire to move on.

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PUBLIC PARTICIPATION

PUBLIC PARTICIPATION

Jack Hollan, 320 49th Street, and Garrish Patel were present concerning the proposed quiet zone in east Ashland. Mr. Hollan explained packets had been compiled by Economic Development Director Melvin for distribution to the Board. He expressed appreciation for Mrs. Melvin's and Representative John Vincent's assistance.

Chris Chandler, 29th Street, expressed concerns with the City Manager's evaluation.

Dr. Chandri expressed dissatisfaction with the outcome of the evaluation process.

Ann Newman read the following statement:

Proposal for Changes to Enhance Minority Status in the City of Ashland

There are many issues and concerns that are felt by minorities in Ashland. These concerns need to be resolved in order to bring about positive and equitable change in the City's policies and procedures. A committee comprised of community leaders and city employees can overlook these changes and make regular reports to the City Council and the community. The term "minority" in this document refers to people of color not African Americans only. We believe by dealing aggressively with these issues the City of Ashland will show support to all of its citizens.

Employment Issues:

1. Job postings – Jobs should be posted early enough to give applicants ample time to respond to them.
2. In addition, job posting and applications should be posed on the city web-site.
3. Mailings should go out as soon as jobs become available to certain organizations and individuals to make sure it is disseminated throughout the minority community Ashland. We are willing to provide you with the necessary contacts to ensure that the minority community is properly notified of openings.
4. Testing procedures should be updated immediately with community leader input and involvement.
5. Testing procedures for jobs should be implemented to make sure they are fair and equitable to all applicants.
6. All testing should be performed in a controlled environment by implementing a computerized standardized testing procedure. This would also include any psychological testing procedure. This would ensure that the person providing the testing is not put in an inappropriate discriminatory situation.
7. There should be a plan in place to aggressively recruit qualified minorities for city positions. We are willing to provide any assistance that is necessary in implementing this plan with city personnel and minority community being well represented.

Diversity Issues:

1. All City personnel, Commissioners and Mayor should go through sensitivity training for diversity on a biannual basis. This will help to keep them current on issues.
2. All City personnel should go through sexual harassment training annually.

Diversity Plan:

1. There should be a City Affirmative Action plan in place and utilized to address the number of qualified minorities working for the City.

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PUBLIC PARTICIPATION CONTINUED

2. There should be an equity plan put in place to ensure that all employees are treated fairly (i.e. promotions, equitable pay, benefits, job environment etc.)

Recruiting:

1. There should be an aggressive plan to recruit minorities to live in the Ashland area and to be part of our City labor force.
2. Recruiting should not be limited to the City of Ashland, but should include the Tri-State Region, Commonwealth of Kentucky or/and the United States.

Policies and Procedures:

1. Clear and stringent policies including suspension and dismissal need to be in place to deal with employees discriminating against minorities. Discriminatory Behavior includes but is not limited to insensitive remarks, disparate treatment and public displaying of inappropriate material.
2. Disciplinary action for suspending and terminating individuals who do not adhere to these guidelines should be clear and precise.
3. A committee, which includes minority representation, to recruit, hire and investigate any inappropriate behavior that can result in suspension or termination should be in place.
4. Policies should be in place for all city employees not just certain groups. (i.e. code of conduct)

Assessment:

1. There should be an assessment done yearly to see how the plans are implemented and if they are successful. Any portions of the plans that are ineffective should be revised in a timely manner.

OLD BUSINESS
CONSENT AGENDA

RESOLUTION NO. 5, 2002

A RESOLUTION OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING, AUTHORIZING AND APPROVING THE COURSE OF ACTION RECOMMENDED BY THE CITY MANAGER ON THE ITEMS APPEARING ON THE CONSENT AGENDA FOR THE REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS OF **FEBRUARY 7, 2002.**

* * * * *

BE IT RESOLVED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. The Board of City Commissioners hereby adopts, authorizes and approves the action recommended by the City Manager on each item appearing on the "Consent Agenda" for the meeting of **February 7, 2002.** Attached hereto and incorporated herein, as if set out in full, is a copy of the "Consent Agenda" hereby adopted, authorized and approved.

SECTION 2. This resolution shall be in full force and effect from and after its adoption, as required by law.

/s/PAUL R. REEVES
MAYOR

REGULAR MEETING FEBRUARY 7, 2002
RESOLUTION NO. 5, 2002 CONTINUED

ATTEST:

/s/DEBORAH MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: February 7, 2002

MOTION

Motion was made by Brown, seconded by Powell, to adopt Resolution No. 5, 2002. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay – none. Motion passed.

NEW BUSINESS
FIRST READING & ADOPTION ONLY

ORDINANCE NO. _____, 2002

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING PAUL R. REEVES, MAYOR, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF ASHLAND AND JOHN D. AND NANCY R. STAFFORD REGARDING A PARKING ENCROACHMENT AT 1301 GREENUP AVENUE ON THE CITY’S RIGHT-OF-WAY.

MOTION

Motion was made by Powell, seconded by Gunderson, to adopt Ordinance No. _____, 2002, at this its first reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

FIRST READING & ADOPTION ONLY

ORDINANCE NO. _____, 2002

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING PAUL R. REEVES, MAYOR, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF ASHLAND AND DON HALL CHEVROLET REGARDING AN ENCROACHMENT FOR A SIGN AT 1846 GREENUP AVENUE ON THE CITY’S RIGHT-OF-WAY.

MOTION

Motion was made by Rideout, seconded by Gunderson, to adopt Ordinance No. _____, 2002, at this its first reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

FIRST READING & ADOPTION ONLY

ORDINANCE NO. _____, 2002

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING PAUL R. REEVES, MAYOR, TO EXECUTE AN AGREEMENT WITH JEFF FRANZ FOR THE INSTALLATION OF A WATER LINE EXTENSION OUTSIDE THE CITY LIMITS ON SKYLINE DRIVE.

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ORDINANCE NO. ____, 2002 CONTINUED

MOTION

Motion was made by Rideout, seconded by Powell, to adopt Ordinance No. ____, 2002, at this its first reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

FIRST READING & ADOPTION ONLY

ORDINANCE NO. ____, 2002

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING PAUL R. REEVES, MAYOR, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF ASHLAND, KENTUCKY AND THE ASHLAND MAIN STREET PROGRAM, INC. REGARDING RENAISSANCE KENTUCKY.

MOTION

Motion was made by Brown, seconded by Powell, to adopt Ordinance No. ____, 2002, at this its first reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

FIRST READING & ADOPTION ONLY

ORDINANCE NO. ____, 2002

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, REPEALING ORDINANCE NO. 152, SERIES OF 2000, AND ESTABLISHING AND PROMULGATING CERTAIN PROCEDURAL REGULATIONS AND PREREQUISITE QUALIFICATIONS RELATING TO THE RECRUITMENT AND SELECTION OF POLICE OFFICERS FOR THE DEPARTMENT OF POLICE OF THE CITY OF ASHLAND; PROVIDING FOR A ONE YEAR PROBATIONARY PERIOD OF SERVICE UPON ORIGINAL EMPLOYMENT AS A POLICE OFFICER; REQUIRING CERTAIN PRESCRIBED RELATED EDUCATION AND TRAINING; AND FURTHER PROVIDING FOR PERFORMANCE EVALUATION AND STANDARDS OF DISCIPLINE FOR ALL SUCH EMPLOYEES; THIS ORDINANCE TO BE KNOWN AND REFERRED TO AS A "COMPREHENSIVE HIRING ORDINANCE FOR POLICE OFFICERS FOR THE DEPARTMENT OF POLICE".

MOTION

Motion was made by Rideout, seconded by Gunderson, to adopt Ordinance No. ____, 2002, at this its first reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

REGULAR MEETING FEBRUARY 7, 2002
ORDINANCE NO. ____, 2002

FIRST READING & ADOPTION ONLY

ORDINANCE NO. ____, 2002

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING THE AUTHORIZED POSITIONS TO REFLECT ORGANIZATIONAL CHANGES IN THE DEPARTMENT OF PUBLIC SERVICES, DIVISION OF WATER DISTRIBUTION, AND TO REFLECT THE RECLASSIFICATION OF THE POSITIONS OF CUSTOMER SERVICE SUPERINTENDENT AND SUPERVISOR IN THE DEPARTMENT OF PUBLIC SERVICES, DIVISION OF CUSTOMER SERVICES AND ADOPTING REPLACEMENT JOB DESCRIPTIONS FOR THE POSITIONS OF CUSTOMER SERVICE SUPERINTENDENT AND SUPERVISOR, AS ADOPTED BY ORDINANCE NO. 25, SERIES OF 1991, AS PREVIOUSLY AMENDED.

MOTION

Motion was made by Rideout, seconded by Powell, to adopt Ordinance No. ____, 2002, at this its first reading.

DISCUSSION

City Manager Fisher recommends that any further reclassification requests be held and dealt with during the pay and classification process.

VOTE

Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

READING & ADOPTION

RESOLUTION NO. 6, 2002

A RESOLUTION OF THE BOARD OF CITY COMMISSIONERS OF THE CITY OF ASHLAND, KENTUCKY, OPPOSING THE PROPOSED CHANGES BY THE STATE HIGHWAY DEPARTMENT IN THE TRAFFIC PATTERN ON GREENUP AVENUE WHICH WOULD INCLUDE INSTALLATION OF TURN LANES FROM 20TH TO 31ST STREETS AND THE ELIMINATION OF PARKING.

* * * * *

BE IT RESOLVED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the Board of City Commissioners of the City of Ashland, Kentucky, hereby resolves that the City of Ashland opposes the proposed changes by the State Highway Department in the traffic pattern on Greenup Avenue which would include the installation of turn lanes on Greenup Avenue from 20th Street to 31st Street and the elimination of parking.

SECTION 2. That the City Clerk of the City of Ashland, Kentucky forward a copy of this Resolution to the Kentucky Transportation Cabinet, Department of Highways.

SECTION 3. This Resolution shall be in full force and effect after its adoption, as required by law.

REGULAR MEETING FEBRUARY 7, 2002
RESOLUTION NO. 6, 2002 CONTINUED

/s/PAUL R. REEVES
MAYOR

ATTEST:

/s/DEBORAH MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: February 7, 2002

MOTION

Motion was made by Gunderson, seconded by Rideout, to adopt Resolution No. 6, 2002. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay – none. Motion passed.

DISCUSSION ITEMS

Request for limited use of public right-of-way by Michael Wagner, Wagner Rental, 905 Greenup Avenue – Motion was made by Gunderson, seconded by Brown, authorizing the Legal Department to prepare an ordinance. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay – none. Motion passed.

Sign ordinance appeal by David W. Apts, Pt. Ocs., 2400 13th Street - Motion was made by Gunderson, seconded by Rideout, granting the appeal. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay – none. Motion passed.

Sign ordinance appeal by Park n Sell Inc., 1913 13th Street - Motion was made by Powell, seconded by Gunderson, granting the appeal. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay – none. Motion passed.

APPOINTMENT

Motion was made by Brown, seconded by Powell, approving the Mayor's appointment of W. Richard Martin, Jr. to the Boyd County Emergency Ambulance Board retroactive to January 3, 2002 and expiring January 3, 2004. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay – none. Motion passed.

WATER DAMAGE CLAIMS

Corporation Counsel Martin explained there are a number of water damage claims which have been denied by the insurance company. The claims occurred because of water line and main breaks through no fault of the property owner. The City bears culpability due to the fact the lines are old and we have the duty to maintain them. The claims can be paid from utility funds and then seek action against the insurance company. Motion was made by Brown, seconded by Powell, authorizing the City Manager case by case review and settlement of claims up to \$10,000 with notification to the Board. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay – none. Motion passed.

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OTHER NEW BUSINESS CONTINUED

BOYD COUNTY PVA

Corporation Counsel Martin advised sometime last summer there was a discovery by the Boyd County PVA that a parcel of land annexed by the City in 1929 was not included in the City's property valuation. No record can be found of notification of the annexation or provision of city services. Therefore, it is recommended the property be included from 2002 forward. Motion was made by Powell, seconded by Brown, stipulating the property be included from this date forward and if additional action is necessary in the form of an ordinance or resolution the Board will take such action. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay – none. Motion passed.

ADJOURNMENT

Mayor Reeves declared the meeting adjourned at 8:20 PM.

PAUL R. REEVES, MAYOR

ATTEST:

DEBORAH MUSSER
CITY CLERK